

REMARKS

Claims 1, 3-20 and 22-34 are pending in this application. By this Amendment, claims 31 and 32 are amended. No new matter is added by these amendments, as allowable claims 31 and 32 are written in independent form by incorporating the subject matter of the base claim and all intervening claims. Reconsideration of the application in view of the above amendments and the following remarks is respectfully requested.

The Office Action, in paragraph 5, states that claims 31 and 32 recite allowable subject matter. Specifically, these claims would be allowable if re-written in independent form including all of the limitations of the base claims and any intervening claims. The Applicants appreciate this indication of allowability, and re-write pending claims 31 and 32 into dependent form.

The Office Action, in paragraph 4, rejects claims 1, 3-20, 22-30, 33 and 34 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0008253 to Monroe in view of U.S. Patent Application Publication No. 2003/0041155 to Nelson et al. (hereinafter "Nelson"), or U.S. Patent Application Publication No. 2002/0004411 to Heppe et al. (hereinafter "Heppe"). The Applicants continue to traverse this rejection.

The Office Action, as has been asserted previously, continues to assert that Nelson and Heppe teach the commercial aircraft commonly transmit and receive air/ground digital information via radio equipment operating in the VHF portion of the radio spectrum. The Office Action additionally asserts that using the data protocol known as ACARS, the airborne equipment, the ground station equipment and extended ground network all cooperate to support the end-to-end transmission of digital information. The Office Action implies that the digital information includes (1) data communication, (2) voice communication, and (3) video communication. This assertion is incorrect. The attached Declaration serves as factual

evidence that the ACARS system, as viewed by one of ordinary skill in the art at the time of the invention, cannot effectively support the massive number of messages required to deliver video and/or voice at the time of invention. The purpose of the ACARS is to ensure, and guarantee, message delivery, and that the messages were complete and correct when delivered. As such, ACARS equipment and processes package very defined and specific messages into 256 byte text based messages. As such, one skilled in the art, would not look to ACARS to transmit voice and/or data communication, as ACARS has a bandwidth of 2,400 bytes/sec which necessitates the need for the small text package messages utilized. The speed of transmission, with respect to the ACARS system, would basically render the system non-functional with respect to real time transmission of voice and data signals.

The Office concedes that Monroe does not specifically disclose an aircraft communication and reporting system (ACARS) transceiver located on the aircraft to receive from and transmit to the at least portable control and display unit (1) data communication, (2) voice communication, and (3) video communication, as positively recited in the pending claims. The Office Action relies on Nelson to overcome this deficiency of Monroe. The Office Action asserts that Nelson and/or Heppe teach radio equipment operating in the VHF portion of the radio spectrum using a data protocol known as ACARS. Arguably, this assertion is correct. However, one skilled in the art would understand that ACARS does not provide the speed required for effective and/or efficient real-time transmission of voice and video communication, in addition to data communication. Therefore, one skilled in the art would not look towards ACARS, at the time of the invention, to transmit video and/or voice by utilizing the data protocol known as ACARS.

The Applicants respectfully submit the attached Declaration in support of the above statements of the Applicant.

For at least the above reasons, Monroe, Nelson and Heppe cannot reasonably be considered to teach, or to have suggested the combination of all of the features of at least independent claims 1 and 20. Further, claims 3-19 and 22-34 would also not have been suggested by the applied prior art references for at least the respective dependence of these claims on allowable independent claims 1 and 20, as well as for the separately patentable subject matter that each of these claims recite.

Accordingly, reconsideration and withdrawal of the rejection of claims 1, 2-20 and 22-34 under 35 U.S.C. §103(a) as being unpatentable over the combination of applied references are respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1, 3-20 and 22-34 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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TJP:KDB/mab

Attachment:
Declaration

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